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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Kaoru MOMOSE	Docket No.	Q76334
Appln. No.	10/606,940	Group Art Unit	2861
Confirmation No.	4438	Examiner	Lamson D. Nguyen
Filed	June 27, 2003		
For:	LIQUID EJECTING HEAD		

RESPONSE TO ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner has identified the application as containing claims directed to 5 distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes claim 1 is generic. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicant elects with traverse all claims of Species 2, which includes those claims readable on Figure 3b, for examination. The claims readable on Fig. 3b are claims 1, 2, 3, 4, 6, and 10. In the event that any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

CERTIFICATE OF FACSIMILE TRANSMISSION

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

U.S. Application No. 10/606,940


Attorney Docket No Q76334

The traversal of the Examiner's action should not be interpreted to mean that the species are not patentably distinct. What Applicant traverses is the incorrect identification of patentably distinct species. That is to say, in the Office Action, the Examiner in essence asserted that all of the claims are readable on one or Figs. 3a-3e, and indicated a different specie for each of these Figs. 3a-3e. Applicant points out, however, that claims 8, 9, and 13-21 are readable on Figs. 4a, 4b, 5a, and 5b. Thus, the Examiner's requirement for Applicant to elect species was flawed.

Nevertheless, the species elected for examination has been indicated above, and Applicant respectfully requests a prompt and careful examination on the merits. Applicant reserves the right to file a Divisional Application directed to non-elected claims 5, 7-9, and 11-21.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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